

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT

SEP 09 1999

FOR THE DISTRICT OF NEW MEXICO

R. H. [Signature]
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BYRON SHANE CHUBBUCK,
a/k/a "Blanco"

Defendant.

CRIMINAL NO. 99 - 1027 BB

18 U.S.C. § 2113(a): Bank Robbery;
18 U.S.C. §§ 111(a)(1) and (b): Assault
of a Federal Law Enforcement Officer;
18 U.S.C. §§ 924(c)(1)(A)(iii) and
924(c)(1)(C): Use of a Firearm During a
Crime of Violence; and 18 U.S.C. §§
922(g)(1) and 924(a)(2): Felon in
Possession of a Firearm

INDICTMENT

The Grand Jury charges:

COUNT I

On or about December 29, 1998, in Albuquerque, New Mexico, in Bernalillo County, in the State and District of New Mexico, the defendant, BYRON SHANE CHUBBUCK, a/k/a "Blanco," by force and violence, and by intimidation, did unlawfully and intentionally take and attempt to take from the person and presence of another a sum of money belonging to, and in the care, custody, control, management, and possession of First Security Bank located at 780 Juan Tabo, Northeast, Albuquerque, New Mexico, the deposits of which were then and there insured by the Federal Deposit Insurance Corporation.

In violation of 18 U.S.C. § 2113(a).

COUNT II

On or about December 29, 1998, in Albuquerque, New Mexico, in Bernalillo County, in

the State and District of New Mexico, the defendant, BYRON SHANE CHUBBUCK, a/k/a “Blanco,” by force and violence, and by intimidation, did unlawfully and intentionally take and attempt to take from the person and presence of another a sum of money belonging to, and in the care, custody, control, management, and possession of the Bank of Albuquerque located at 1301 Juan Tabo, Northeast, Albuquerque, New Mexico, the deposits of which were then and there insured by the Federal Deposit Insurance Corporation.

In violation of 18 U.S.C. § 2113(a).

COUNT III

On or about April 7, 1999, in Albuquerque, New Mexico, in Bernalillo County, in the State and District of New Mexico, the defendant, BYRON SHANE CHUBBUCK, a/k/a “Blanco,” by force and violence, and by intimidation, did unlawfully and intentionally take and attempt to take from the person and presence of another a sum of money belonging to, and in the care, custody, control, management, and possession of the First Security Bank located at 780 Juan Tabo, Northeast, Albuquerque, New Mexico, the deposits of which were then and there insured by the Federal Deposit Insurance Corporation.

In violation of 18 U.S.C. § 2113(a).

COUNT IV

On or about August 10, 1999, in Albuquerque, New Mexico, in Bernalillo County, in the State and District of New Mexico, the defendant, BYRON SHANE CHUBBUCK, a/k/a “Blanco,” by force and violence, and by intimidation, did unlawfully and intentionally take and attempt to take from the person and presence of another a sum of money belonging to, and in the care, custody, control, management, and possession of the Norwest Bank located at 3022 Central,

Southeast, Albuquerque, New Mexico, the deposits of which were then and there insured by the Federal Deposit Insurance Corporation.

In violation of 18 U.S.C. § 2113(a) .

COUNT V

On or about August 13, 1999, in Albuquerque, New Mexico, in Bernalillo County, in the State and District of New Mexico, the defendant, BYRON SHANE CHUBBUCK, a/k/a "Blanco," knowingly and by means and use of a dangerous weapon, namely a hand-gun, did forcibly assault, resist, oppose, impede, intimidate and interfere with Federal Bureau of Investigation Special Agent Scott Campbell, an officer of the United States, as designated in Section 1114, Title 18, while Special Agent Campbell was engaged in and on account of the performance of his official duties.

In violation of 18 U.S.C. § 111(a)(1) and (b).

COUNT VI

On or about August 13, 1999, in Albuquerque, New Mexico, in Bernalillo County, in the State and District of New Mexico, the defendant, BYRON SHANE CHUBBUCK, a/k/a "Blanco," knowingly and by means and use of a dangerous weapon, namely a hand-gun, did forcibly assault, resist, oppose, impede, intimidate and interfere with Federal Bureau of Investigation Special Agent John Tanberg, an officer of the United States, as designated in Section 1114, Title 18, while Special Agent Tanberg was engaged in and on account of the performance of his official duties.

In violation of 18 U.S.C. § 111(a)(1) and (b).

COUNT VII

On or about August 13, 1999, in Albuquerque, New Mexico, in Bernalillo County, in the State and District of New Mexico, the defendant, BYRON SHANE CHUBBUCK, a/k/a "Blanco," did knowingly possess and discharge a firearm during and in relation to and in furtherance of a crime of violence for which he may be prosecuted in a court of the United States, namely an assault of a federal law enforcement officer as charged in Count V.

In violation of 18 U.S.C. § 924(c)(1)(A)(iii) and 18 U.S.C. § 924(c)(1)(C).

COUNT VIII

On or about August 13, 1999, in Albuquerque, New Mexico, in Bernalillo County, in the State and District of New Mexico, the defendant, BYRON SHANE CHUBBUCK, a/k/a "Blanco," did knowingly possess and discharge a firearm during and in relation to and in furtherance of a crime of violence for which he may be prosecuted in a court of the United States, namely an assault of a federal law enforcement officer as charged in Count VI.

In violation of 18 U.S.C. § 924(c)(1)(A)(iii) and 18 U.S.C. § 924(c)(1)(C).

COUNT IX

On or about August 13, 1999, in Albuquerque, New Mexico, in Bernalillo County, in the State and District of New Mexico, the defendant, BYRON SHANE CHUBBUCK, a/k/a "Blanco," a person who had been convicted of the following crimes punishable by imprisonment for a term exceeding one year:

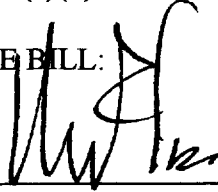
1. Unlawful Use of a Controlled Substance in the 7th Judicial District, Gunnison County, State of Colorado, on or about October 10, 1986;
2. Aggravated Assault and Possession of a Firearm by a Felon in the Second Judicial District Court, Bernalillo County, State of New Mexico, on or about July 27, 1989; and

3. Possession of a Listed Chemical With the Intent to Manufacture a Controlled Substance, Aiding and Abetting and Possession of a Neck Round Bottom Flask with the Intent to Manufacture a Controlled Substance, in the United States District Court for the District of New Mexico, on or about February 23, 1993,


unlawfully and knowingly, in and affecting commerce, did possess a firearm, that is, a handgun.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).


A TRUE BILL:



FOREPERSON OF THE GRAND JURY



JOHN J. KELLY
United States Attorney



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